

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2014 NOV 12 PM 3:50

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SO. DIST. OF GA.

JOHNNIE SHAFFER, JR.,

Plaintiff,

v.

LT. MADDOX, CO I, et al.,

Defendants.

CV 314-070

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. no. 12). The Magistrate Judge recommended dismissing Defendants Danforth, Fason, and Beasley, as well as all claims related to Plaintiff's bottom bunk profile. The additional information contained in the affidavit attached to Plaintiff's objections does not provide any reason to depart from this recommendation. The bulk of the affidavit merely provides more detail concerning the claims that the Magistrate Judge allowed to go forward. (See doc. no. 9.)

As to the additional details regarding the alleged failure to honor Plaintiff's bottom bunk profile, Plaintiff attempts to fill in the factual gaps the Magistrate Judge identified as fatal to Plaintiff's claims. (See doc. no. 10, pp. 4-5.) Plaintiff now asserts that he did not have a bottom bunk for approximately three weeks while he was in segregation, and he pulled a muscle while climbing onto the top bunk he had been assigned. (Doc. no. 12, Aff., pp. 4-6.) This latest sworn assertion contradicts, at least in part, Plaintiff's original, blanket assertion that he had been

sleeping on the floor. (See doc. no. 1, p. 5.) In any event, these latest allegations are not sufficient to meet the pleading requirements for a deliberate indifference claim because they do not satisfy the objective and subjective components of such a claim, as previously explained in detail by the Magistrate Judge (doc. no. 10, pp. 4-5 (citing Goebert v. Lee County, 510 F.3d 1312, 1326 (11th Cir. 2007))).

Accordingly, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion. Therefore, the Court **DISMISSES** Defendants Danforth, Fason, and Beasly from this case. The Court also **DISMISSES** all claims related to Plaintiff's bottom bunk profile.

SO ORDERED this 12th day of November, 2014, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE